



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ms

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/091,510	12/17/98	TOWNSEND	C 2365-104

ROTHWELL FIGG ERNST & KURZ
555 13TH STREET NW
SUITE 701 E
WASHINGTON DC 20004

LM02/0818

EXAMINER

HUANG, S

ART UNIT

PAPER NUMBER

2711

5

DATE MAILED:

08/18/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/091,510

Applicant(s)

Townsend et al.

Examiner

Sam Huang

Group Art Unit
2711



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-68 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-68 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 17, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2711

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

(a) On page 16 of applicant's specification, "menu of options ... 73 in Figure 5" is not shown

(b) On page 17 of applicant's specification, "legends 80 to 89" are purported to be in Figure 4 and are not shown. Correction is required.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "80" and "81" have both been used to designate "shopping" legend. Correction is required.

Applicant is advised to review the specification for additional errors regarding the drawings.

Art Unit: 2711

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 is vague and indefinite because the phrase “to derive data representing one of the interactive screens from data defining an interactive picture large in size than the interactive screen” does not clearly set forth the subject matter in which the applicant is seeking to protect. Accordingly, claims 19-22 are also rejected since claims 19-22 are dependent claims and inherit the deficiency of claim 18.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-4, 6-14, 16-17, 28-30, 32-37, 39-40, 46-50, 52, 54-55, 57-64, 66, 68 are rejected under 35 U.S.C. 102(a) as being anticipated by Florin et al. (WO 95/01058, hereinafter “Florin”).

Art Unit: 2711

Regarding claims 1, 28, Florin discloses an AV system for selectively viewing and interacting with programs and services from a number of program/service sources with a transceiver for receiving broadcast digital television signals (see page 25, 1st paragraph) representing both video and information data and displaying such data as an interactive image, and being responsive to viewer manipulation of an input device to vary the interactive image and to establish a telecommunications link to a remote site between the viewer and the remote site (see Summary of the Invention).

As for claims 2, 3, 11, 12, 29, 35, Florin reveals an AV decoder 74, memories 80, 75 and 65 for storing information data including on-line data, and a CPU 63 for processing and executing the stored information data (see Figure 2).

As for claims 4, 30, Florin teaches that the CPU 63 responds to viewer's remote control device 60 and its inputs (Id.).

Concerning claims 6, 32, 33, Florin shows a transceiver 54 receiving video image data and a AV decoder 74 to decode the image data for display in the interactive image (Id.).

As for claims 7 and 8, Florin provides for a remote control device 60 with a keypad (see Figs. 4a, 4b, 5a, 5b).

As for claims 9, 10, 34, Florin also discloses a modem for establishing a telecommunications link (p. 31, line 2) and a CPU 63 for processing the data received via the modem (pgs. 24-31).

Art Unit: 2711

Regarding claims 13, 14, 66, 36, 37, 68, Florin teaches a CPU 63 responding to viewer's input via the remote control device in accordance with the program data, and a plurality of interactive display screens each individually displayable (see Figs. 11-13 and General Systems Configuration).

As for claims 16, 39, Florin further discloses a CPU 63 which derive data representing an interactive screen from the on-line data (see Home Shopping Interface, p. 71-73).

Concerning claims 17, 40, Florin displays the interactive screens in a hierarchical order in response to viewer's input (p. 34, 2nd full paragraph).

Regarding claims 46-50, ~~52, 54, 55, 57, 58~~, Florin discloses an interactive services interface with a transceiver comprising: a broadcast entry level with range of available service type (see Figs. 43-50); a first interactive level with a group of service providers to select from (Id.); a second interactive level for the user to select a range of classes of goods (Id.); and a third interactive level for the user to select goods from the selected class (Id.); and a modem for transmitting and receiving of on-line signals (pgs 24-31); wherein the first level is for placing an order, the second level is for completing the order and the third level is for confirmation of the order; and wherein the each-level is associated with an interactive screen (Id.).

As for claims 59 and 60, Florin shows an interactive image with a constant background image and a changeable preview picture (see Figures 18-22) wherein the preview picture appear to form a single continuous interactive image; also a changeable graphic overlay (Id.).

Art Unit: 2711

Concerning claims 61, 62, 63, 64, Florin further discloses an interactive TV system comprising an interactive electronic program guide providing scheduling of programs and an order list of channels to the viewers (pgs 6-7).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Assuming applicant's claimed subject matter pertains to the method and apparatus of displaying on a screen a fraction of larger image (zoom-in feature) which is too large to be discernable if displayed, Claims 18-22, 41-45, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin.

Regarding claims 18-22, 41-45, 56, although Florin discloses an interactive TV system with a home shopping interface with displays of stores and goods to the user, Florin fails to specifically show how to present on the screen all the available information when there is too much information for it to be viewed in its entirety at the same time. However, the solution or the teaching is extremely well known in the computer display art. In particular, virtually every text processing program enables the user to maneuver around the text (page up or down, scroll

Art Unit: 2711

bar) in order to view parts of the file which is not displayed on the screen. Therefore, it would have been obvious to one of ordinary skill in the art to include such feature so that the information would be presented in its entirety for the user with clarity.

10. Claims 5, 15, 31, 38, 51, 53, 65, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (WO 95/01058) in view of Hendricks et al (WO 94/14284, hereinafter "Hendricks").

Regarding claims 5, 15, 31, 38, 51, 53 Florin fails to specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However, Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers.

As for claims 65 and 67, Florin teaches a CPU 63 responding to viewer's input via the remote control device in accordance with the program data, and a plurality of interactive display screens each individually displayable (see Figs. 11-13 and General Systems Configuration).

Art Unit: 2711

11. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (WO 95/01058) in view of Diehl et al. (EPA 0562295A1, hereinafter "Diehl").

Regarding claims 23, Florin discloses a subscriber card reader, authorizing access to broadcast signals but fails to specifically disclose a transceiver which reads a plurality of cards. However, Diehl provides a method and apparatus for controlling several smart cards with several card readers 1, 2, 3 (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin by the teachings of Diehl in order to ease the conditional access of having to switch from one smart card to another each time the user desires to switch channels.

Regarding claims 24-27, Florin teaches a subscriber card reader but does not specifically disclose that the cards are issued by a financial institution, with a magnetic strip, a smart card or a cash value card. The use of these cards are extremely well known in the credit and banking card art. Accordingly, it would have been obvious to one of ordinary skill in the art to read the above cards to increase payment options and also to avoid delays in confirmation of payment via the postal service.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2711

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5399, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can
normally be reached on M-Th from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this
Group is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

August 3, 1999

Andrew Faile
ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700